



Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

From the Teachings of Ha-Rav Shlomo Aviner

Parashat Vayigash 5769

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Hilchot Tzava – Halachot of the Army

[Iturei Yerushalayim #26]

A soldier/cohain who killed an enemy

Question: Can a soldier/cohain who kills an enemy still say the "Birkat Cohain" (In the Shulchan Aruch, Orach Chaim 128:35, Rav Yosef Karo rules that a cohain who killed another person may not recite this blessing)?

Answer: Certainly. He is not a murderer but, on the contrary, a rescuer of Jews (see Shut Yechaveh Da'at 2:14).

A soldier who did not daven

Question: If a soldier did not daven because of a military operation or guard duty, should he do "tashlumim" (one who misses davening the Shemoneh Esrei due to circumstances beyond his control can compensate for the missed Shemoneh Esrei by davening a second Shemoneh Esrei during the next davening)?

Answer: There is no need. One who is involved in a mitzvah is exempt from another mitzvah.

A soldier mistakenly killed

Question: Is a soldier who is mistakenly killed by another soldier who thought he was a terrorist considered to have been killed "al Kiddush Hashem" (sanctifying Hashem's Name)?

Answer: Yes, since there are errors within the framework of Tzahal's activities and this is taken into consideration by the military. This is also the ruling for someone who is killed in training exercises, since the exercises also contain a level of deterrence.

Freezing semen before being drafted

Question: Is it permissible to freeze semen before being drafted into the army or is it wantonly destroying one's seed?

Answer: It is not wantonly destroying seed since the purpose is to produce offspring. However, we do not act in this way since if a child is born from a soldier who is killed, he will be fatherless. This would also cause a weakened sense of military courage.

"Get Milchama" – A wartime divorce

Question: We learn in the Book of Shmuel (2 11) that anyone who went to war in King David's army wrote a divorce for his wife to avoid her becoming an "Agunah" (a wife unable to remarry) in case he went missing in battle. Why don't we act this way during our time?

Answer: The truth is that Rabbis did do this various times, including when Jews served in non-Jewish armies, but they ceased doing so when they saw that it broke the soldiers' spirit. By the way, the Ba'al Ha-Turim says that Moshe Rabbenu already acted this way, and King David learned it from him (See Ba'al Ha-Turim to Bamidbar 31:21).

An order to evacuate

Question: I understand the need to obey military orders in order to prevent a breakdown in the army and a crisis, but I simply am unable to evacuate my brothers. I have served in the reserves for over a year and am loyal to the State and army, but I am unable to fulfill this command. I can refrain from participating with any excuse, but I see an importance in my commanders knowing that in my view it is impossible to be involved in this sin. What should I do?

Answer: If you are unable, then you are unable, Baruch Hashem. Although they say in the army: "There is no such thing as unable, there is only 'I don't want to,'" this is not always true. Occasionally, a soldier is truly unable. A soldier is sometimes unable to shoot, because he simply does not have a weapon, and sometimes a soldier is unable because he does not have motivation. Motivation is essentially built upon the soldiers' world of ideals. Napoleon said: motivation is three times greater than a weapon. If I had to evacuate my brothers, I would either faint on the spot or feel sick, lacking any ability to perform it. I have seen nurses faint in a hospital from what they saw. But waving the flag of refusal as an instrument to influence the political process

is a very distant path. It is not possible that soldiers, with all their value and importance, can alone decide the political process. It must be decided by the entire Nation.

An aliyah to the Torah on a fast day for a soldier who ate

Question: Can a soldier who must eat in order to perform his duty on a fast day receive an aliyah to the Torah?

Answer: There are arguments either way, and everyone should act in a manner which seems proper to him.



Ha-Rav answers hundreds of text message questions a week. Some appear in the parashah sheets "Ma'ayanei Ha-Yeshu'ah" and "Olam Ha-Katan." Here's a sample:

Q: Is it permissible to travel outside of Israel in order to learn English?

A: If it is essential for making a living.

Q: Is it permissible to speak Lashon Hara about Herzl?

A: He is a Divine messenger who helped awaken the idea of our national revival.

Q: Must a page of gemara questions for a test be put in the "geniza"?

A: Yes, questions are also words of Torah.

Q: Is it permissible for a non-Jew to put on Tefillin?

A: No, because of its holiness. Radvaz, Hilchot Melachim.

Q: Is it permissible for one person to recite Tefillat Ha-Derech or should each person recite it on his own?

A: It is permissible, but it is preferable for each person to recite it as it is a supplication.

Q: What is the smallest size for a kippah?

A: The strict position – it must cover the majority of the head. The lenient position – it can be seen from all sides.

Q: How do we know if an impediment to doing something is a sign from heaven that we should not do it or whether we should persist?

A: If it is a forbidden act or an act of nonsense, you should give it up. If it is a mitzvah or an important act – persist.

Q: We had a bad car accident and were saved by a miracle. How should we thank Hashem?

A: Recite the "Birkat Ha-Gomel" and give tzedakah.

Q: I remembered very late at night that I forgot to daven ma'ariv. What should I do – it will be a burden to daven now and what value is it?

A: You should certainly daven. It has a great value of accepting the yoke of the heavenly kingdom.

Q: I have a friend who is a chronic liar. How should I relate to him?

A: A person is judged by the majority of his actions. Perhaps he has good qualities.

Q: Should we speak Yiddish?

A: Our language is Hebrew. We should not speak Yiddish unless a person does not understand Hebrew.

Q: I spoke "Lashon Ha-Ra" for the benefit of another person and it was completely permissible. The person then related it in a forbidden manner. Am I at fault?

A: No, it is his responsibility. In such a case, you should warn the person that he should not relate it in a forbidden manner.

Q: Can a mother kiss her son after he is bar mitzvah?

A: It is permissible at any age, even after he is married.

Q: Does a BBQ grill top require immersion in a mikveh?

A: Yes, if it is a product made outside of Israel since it comes into direct contact with the food. This does not apply if it is disposable.

Q: What is the law if I accidentally recited "birkat ha-mazon" on a cake or "al ha-mechiya" on bread?

A: After the fact you have fulfilled your obligation because of a doubt.

Q: We found a poisonous lizard in our house. Does it mean anything?

A: It has no meaning. See Chochmat Adam 68:1.

Stories of Rabbenu – Our Rabbi

Ha-Rav Tzvi Yehudah Ha-Cohain Kook

Tzahal - Israel Defense Force

Our Rabbi related: "A student of our Yeshiva approached me. I said to him: 'At first I did not recognize you.' He was wearing the army uniform. You know that I relate to this uniform in holiness. A lovely and precious man, full of G-d-fearing and holiness was approaching, and he was wearing an army uniform. At that occurrence I mentioned what I said at one wedding [of Ha-Rav She'ar Yashuv Cohain], when the groom came dressed in an army uniform. There were some who were pointing one that it is inappropriate for a groom to stand under the chuppah with an army uniform. In Yerushalayim, the Holy City, it was customary that they came with Shabbat clothing, holy clothing, like a streimel. I will tell you the truth. The holiness of the streimel - I do not know if it is one-hundred percent clear. It was made holy after the fact. Many righteous and holy Geonim (great rabbis) certainly wore it. There is certainly so much trembling of holiness before them, and we are dirt under the souls of their feet, and on account of this fact, the streimel was made holy. Also Yiddish, the language of Exile, was made holy because of its great use in words of holiness. But from the outset - it is not so certain. In comparison, the holiness of the army uniform in Israel is fundamental, essentially holiness. This is the holiness of accessories of a mitzvah, from every perspective, of all of the tanks, the holiness of our tanks will appear tomorrow [in the military parade of Yom Ha-Atzmaut]." (Sichot Rabbenu, Yom Ha-Atzmaut 5727, Mizmor 19 of Medinat Yisrael, pg. 76 #11).

It once happened that our Rabbi sat next to a taxi driver who was wearing a Tzahal uniform, and our Rabbi was tapping on his leg during the entire trip. Before he got out the driver turned in surprise to the student who was escorting Ha-Rav and asked why the Rabbi was acting this way. The student responded that this was on account of our Rabbi's great love of the holy Tzahal uniform.

Our Rabbi was teaching a class and a student, who was on leave from the army, was standing next to him. During the entire time, our Rabbi rested his hand on the student's arm. At the end of the class, another student asked about this. Our Rabbi explained: "It is simple. He was wearing a Tzahal uniform and I was touching holiness the entire time." (Ha-Rav Yehoshua Zuckerman – Iturei Yeryshalayim #6)



Shut She'eilat Shlomo - Questions of Jewish Law

Prayers and Tehillim for Tzahal

Question: Which prayers or Tehillim would be best to say for our soldiers at this time?

Answer: All Tehillim are appropriate.

Firing a secretary

Question: It is permissible to fire a secretary in order to find a better one?

Answer: Yes, you are not a charity and you need to find the most competent person to fill the position. This is however on condition that you uphold any contractual agreements.

Special thank you to Fred Casden for editing the Ateret Yerushalayim Parshah Sheet